

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID S. TAUB and MARC TAUB,

Civil Action No. 09-CV-599 (ADS)(ETB)

Plaintiffs,

NOTICE OF MOTION

- against -

MARCHESI DI BAROLO S.P.A.,

Defendant.


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PLEASE TAKE NOTICE that on the annexed certification of Mitchell J. Devack, Esq. dated January 7, 2010, the affidavit of Jack Cacciato, sworn to January 3, 2010, and upon all prior pleadings and proceedings had herein, non-parties Vinteligenz LLC d/b/a WineWave ("WineWave") and Jack Cacciato will move this Court on the ____ day of _____, 2010 at 10:00 a.m. at the U. S. Courthouse, 100 Federal Plaza, Central Islip, NY 11722, before the Hon. E. Thomas Boyle, United States Magistrate Judge, for an Order:

- (a) Pursuant to Rules 26(a) and 45(c) of the Federal Rules of Civil Procedure, quashing, vacating and setting aside a certain Subpoena to Produce Documents, dated November 23, 2009, directed to non-party, WineWave Ltd.
- (b) Pursuant to Rules 26(a) and 45(c) of the Federal Rules of Civil Procedure, quashing, vacating and setting aside a certain Subpoena to Testify at a Deposition, dated November 23, 2009, directed to non-party Jack Cacciato;

(c) Granting such other and further relief as the Court may deem just and proper.

Dated: January 7, 2010

Yours, etc.


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